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REPORT SUBMITTED TO THE SECURITY COUNCIL BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RESOLUTION 681 (1990)

Introduction

1. On 20 December 1990, the Security Council adopted resolution 681 (1990), which reads as follows:

"The Security Council,

"Reaffirming the obligations of Member States under the Charter of the United Nations,

"Reaffirming also the principle of the inadmissibility of the acquisition of territory by war set forth in Security Council resolution 242 (1967) of 22 November 1967,

"Having received the report of the Secretary-General submitted in accordance with Security Council resolution 672 (1990) of 12 October 1990 on ways and means of ensuring the safety and protection of the Palestinian civilians under Israeli occupation, and taking note in particular of paragraphs 20 to 26 thereof,

"Taking note of the interest of the Secretary-General to visit and send his envoy to pursue his initiative with the Israeli authorities, as indicated in paragraph 22 of his report, and of their recent invitation extended to him,

"Gravely concerned at the dangerous deterioration of the situation in all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and at the violence and rising tension in Israel,

"Taking into consideration the statement made by the President of the Security Council on 20 December 1990 concerning the method and approach for a comprehensive, just and lasting peace in the Arab-Israeli conflict,

"Recalling its resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989 and 641 (1989) of 30 August 1989, and alarmed by the decision of the Government of Israel to deport four Palestinians from the occupied territories in contravention of its obligations under the Fourth Geneva Convention of 1949,

"1. Expresses its appreciation to the Secretary-General for his report;

"2. Expresses its grave concern over the rejection by Israel of Security Council resolutions 672 (1990) of 12 October 1990 and 673 (1990) of 24 October 1990;

"3. Deplores the decision by the Government of Israel, the occupying Power, to resume the deportation of Palestinian civilians in the occupied territories;

"4. Urges the Government of Israel to accept the de jure applicability of the Fourth Geneva Convention, of 1949, to all the territories occupied by Israel since 1967 and to abide scrupulously by the provisions of the said Convention;

"5. Calls upon the high contracting parties to the Fourth Geneva Convention, of 1949, to ensure respect by Israel, the occupying Power, for its obligations under the Convention in accordance with article 1 thereof;

"6. Requests the Secretary-General, in co-operation with the International Committee of the Red Cross, to develop further the idea expressed in his report of convening a meeting of the high contracting parties to the Fourth Geneva Convention and to discuss possible measures that might be taken by them under the Convention and for this purpose to invite the parties to submit their views on how the idea could contribute to the goals of the Convention, as well as on other relevant matters, and to report thereon to the Council;

"7. Also requests the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, making new efforts in this regard on an urgent basis, and to utilize and designate or draw upon the United Nations and other personnel and resources present there, in the area and elsewhere, needed to accomplish this task and to keep the Security Council regularly informed;

"8. Further requests the Secretary-General to submit a first progress report to the Security Council by the first week of March 1991 and every four months thereafter, and decides to remain seized of the matter as necessary."

2. Immediately following its adoption, the text of the above resolution was cabled to the Minister for Foreign Affairs of Israel.

3. It will be recalled that, in his report to the Security Council of 31 October 1990 (S/21919 and Corr.1), the Secretary-General drew attention to the fact that the Council had, on numerous occasions since December 1987, addressed the question of the safety and protection of the Palestinian civilians in the occupied territories. In each of its related resolutions and presidential statements, the Security Council had reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. 1/ The Security Council had, moreover, repeatedly called on Israel to abide by its obligations under the Convention. Resolution 681 (1990) represents a new step on the part of the Security Council because it entrusts, for the first time, ongoing responsibilities to the Secretary-General with respect to the Palestinian civilians under Israeli occupation. At the same time, the resolution underlines the obligations of the parties chiefly responsible under the Fourth Geneva Convention for ensuring their protection, namely Israel, the occupying Power, and the high contracting parties to the Convention. Paragraph 4 of the resolution urges the Government of Israel to accept the de jure applicability of the Fourth Geneva Convention, to all the territories occupied by Israel since 1967 and to abide scrupulously by the provisions of the said Convention. Paragraph 5 calls upon the high contracting parties to the Fourth Geneva Convention to ensure respect by Israel, the occupying Power, for its obligations under the Convention in accordance with article 1 thereof. Paragraph 6 requests the Secretary-General, in cooperation with the International Committee of the Red Cross (ICRC), to develop further the idea expressed in his 31 October 1990 report of convening a meeting of the high contracting parties to the Fourth Geneva Convention and to discuss possible measures that might be taken by them under the Convention and for this purpose to invite the parties to submit their views on how the idea could contribute to the goals of the Convention, as well as on other relevant matters, and to report to the Council thereon. Paragraph 7 also requests the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, making new efforts in this regard on an urgent basis, and to utilize and designate or draw upon the United Nations and other personnel and resources present there, in the area and elsewhere, needed to accomplish this task and to keep the Security Council regularly informed.

4. On 21 December 1990, the Secretary-General outlined for the Security Council, in informal consultations, the manner in which he intended to pursue his responsibilities under paragraphs 6 and 7 of resolution 681 (1990). With respect to paragraph 6, he informed the Council that he would be in immediate contact with ICRC in order to explore further the idea of convening a meeting of the high contracting parties to the Fourth Geneva Convention and that, in particular, modalities for inviting the views of the parties would be discussed. As for paragraph 7, the Secretary-General stated that steps were being taken to implement its provisions, without however affecting the mandates of the United Nations organizations currently operating in the occupied territories. The Secretary-General informed the Council that he would be asking the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the largest United Nations body in the occupied territories, to take the lead and

specifically to task an appropriate number of international staff serving in the area to monitor and observe the situation regarding Palestinians under Israeli occupation. At the same time, the Secretary-General stated that it was essential that ICRC, which under article 10 of the Fourth Geneva Convention has a special responsibility for protection of civilians, continue to play its role. He noted that ICRC and UNRWA already maintained close contact on the ground and he trusted that such contacts would continue. The Secretary-General added that he would be exploring with the President of ICRC ways in which that organization might be able to cooperate with him in the implementation of his mandate. The Secretary-General then drew to the attention of the Council the fact that a number of Governments that were high contracting parties to the Fourth Geneva Convention had consulates at Jerusalem which followed closely developments in the occupied territories. For resolution 681 (1990) to be implemented in a pragmatic and realistic manner, he said, it would be helpful if the efforts of United Nations and ICRC personnel were to receive the full support of Governments with consular staff in the area. Paragraph 5 of resolution 681 (1990) was especially relevant in that connection.

5. Since the adoption of resolution 681 (1990), the Secretary-General has been in continuous contact with the Commissioner-General of UNRWA, with a view to establishing arrangements that would enable that organization to assist the Secretary-General in carrying out his obligations under paragraph 7 of resolution 681 (1990). At the request of the Secretary-General, UNRWA has designated personnel, in the occupied territories, and at its Vienna headquarters, to help with the implementation of the Secretary-General's mandate.

6. The Secretary-General has also discussed resolution 681 (1990) with the President of ICRC. In this connection, ICRC has indicated that any assistance it might offer to the Secretary-General regarding paragraph 7 will be subject to that organization's traditional rules of confidentiality. As for the request in paragraph 6 that the Secretary-General, in cooperation with ICRC, develop further his idea for convening a meeting of the high contracting parties to the Fourth Geneva Convention, consultations with ICRC are continuing. For his part, the Secretary-General has sent a note verbale to the high contracting parties requesting that they submit to him by 1 May 1991 their views about such a meeting. The replies of the parties will be addressed in the next report of the Secretary-General.

Period under review

7. The following paragraphs provide an overview of the situation regarding Palestinian civilians under Israeli occupation from 20 December 1990 to 28 February 1991. The information conveyed therein has been provided to the Secretary-General mainly by UNRWA, as well as other sources. It should not be viewed as an exhaustive account of incidents that occurred during the reporting period. Rather, it highlights the major developments affecting life in the occupied territories.

8. Late December 1990 and early January 1991 were marked, in particular, by two serious developments. On 29 December 1990, an incident in the Rafah

refugee camp in the Gaza Strip led to widespread clashes between residents of the camp and the Israeli Defence Forces (IDF) in which several Palestinians were shot and killed and hundreds were wounded. Upon hearing of the clashes, the Secretary-General asked UNRWA to look into the matter and, on 3 January 1991, he conveyed to the Security Council, in informal consultations, the following account:

> At approximately 1400 hours on 29 December 1990, security force personnel in civilian clothing and driving a car with local licence plates surprised two masked youths, aged 18 and 19, in the Shabura quarter of the Rafah refugee camp. The security forces opened fire, severely wounding both masked men, who were then arrested. Violent confrontations broke out as IDF reinforcements arrived and the residents of the camp attempted to release the arrested youths.
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> The disturbances spread to the market area and main square, where a large contingent of IDF was stationed, and two young men were shot and killed. When their bodies were returned from Nasser Hospital for burial, the confrontations became so fierce that the security forces were forced to retreat to an area just west of the Civil Administration. During the afternoon, thousands of stones, metal objects and more than 30 petrol bombs were thrown at IDF forces, who responded with live ammunition, rubber bullets and stones from a stone-throwing machine.
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> As darkness fell, the demonstrators were dispersed when an IDF helicopter dropped stones and tear-gas grenades over the area. Later in the evening, as it became known that the two men shot earlier in the day had died, thousands of residents took to the streets, but the security forces did not intervene and no further incidents were reported.
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> When news of the fatalities spread to Jabalia refugee camp during the evening, hundreds of youths took to the streets to demonstrate and stone the military camp. IDF and border police reinforcements arrived and attempted to disperse the youths using a stone-throwing machine and by firing into the air. The situation eventually calmed down at about 2030 hours. During the clashes, an IDF major stationed his troops in front of the health centre for one hour and then closed the gate of the health centre while he proceeded to search two ambulances. When UNRWA Refugee Affairs Officers intervened, he threatened to throw tear-gas into the centre but eventually agreed to the gate remaining open.
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> Four people were shot dead in Rafah on 29 December. One hundred and ninety-three, including 14 women, were injured by live ammunition, 36 of them by plastic-coated metal bullets, 32 by tear-gas and 23 by the IDF stone-throwing machine. Over 400 people were affected by tear-gas and treated by mobile UNRWA medical teams. Five women reportedly suffered miscarriages as a result of tear-gas inhalation.
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> The entire incident was an unusually violent one, a fact that may be attributable to the circumstances of its initiation. The security force

personnel in civilian clothing who had surprised the masked men were accompanied by a person widely known locally to be a "collaborator". Local eyewitness accounts indicate that the latter fired on the masked men. For whatever reason, there is no doubt that the crowd reaction was unprecedented in both the scale and the intensity of its violence.

IDF, in turn, clearly must have felt that their lives were in danger and that the Civil Administration building risked being overrun. In those circumstances, it was probably inevitable that they would fire at the crowd, although they might be criticized for the extent to which they chose to use live rounds in preference to other ammunition.

9. On 4 January 1991, the Security Council issued the following presidential statement (S/22046):

"The members of the Security Council are deeply concerned about recent acts of violence in Gaza, especially actions by Israeli security forces against Palestinians, which led to scores of casualties among those civilians.

"The members of the Council deplore those actions, particularly the shooting of civilians. They reaffirm the applicability of the Fourth Geneva Convention, of 1949, to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and request that Israel, the occupying Power, fully comply with the provisions of the Convention.

"The members of the Council reaffirm their positions, most recently expressed in Security Council resolution 681 (1990), and support the work of the Secretary-General in implementing the said resolution. The members of the Council further urge intensified efforts by all who can contribute to reducing conflict and tension in order to achieve peace in the area."

10. On 8 January 1991, the Israeli authorities carried out their decision to expel four Palestinian residents of the occupied territories. In a statement issued the same day, the Secretary-General expressed his deep concern and strongly deplored the action, which was in direct contravention of the Fourth Geneva Convention. Recalling that the decision by Israel to resume its policy of deportation had been addressed in Security Council resolution 681 (1990), the Secretary-General called on the Israeli authorities to permit those who had been deported to return to their homes. For its part, ICRC, through its delegation in Tel Aviv, issued the following statement:

"The State of Israel expelled four citizens from the Gaza Strip on 8 January 1991, thus resuming a course of action it had discontinued in May 1989.

"The expulsions bring to 66 the total number of persons expelled from the occupied territories since the beginning of the intifadah. They constitute a grave breach of article 49 of the Fourth Geneva Convention,

which prohibits the forced transfer of civilians outside an occupied territory for any reason whatsoever.

"This move takes place in a climate of violence fomented by the growing number of civilian victims since September 1990. During the past four months over 50 people have been killed and several thousand wounded in Israel and the occupied territories, an escalation attributable to the increasingly widespread use of live ammunition against civilians and the frequency of indiscriminate attacks with knives and explosives.

"The International Committee of the Red Cross (ICRC) asks that everything possible be done to put an end to the spiral of violence and repression, and that the population of the West Bank and the Gaza Strip be treated in accordance with the provisions of the Fourth Geneva Convention."

11. It should be noted that resolution 681 (1990) was adopted at a time of great tension in the region as a whole, where the crisis between Iraq and Kuwait and the prospect of military hostilities were uppermost in the minds of people throughout the area. In this connection, a source of concern to the international community, including the United Nations organizations operating in the occupied territories, was the policy of the Government of Israel regarding the provision of gas masks to the Palestinian population. Since the inception of the crisis, Iraq had repeatedly threatened to attack Israel with conventional and non-conventional weapons in the event of hostilities. As part of its civil defence procedures, Israel provided to its citizens gas masks and related equipment for protection against a chemical attack. The Israeli authorities also issued gas masks to the Palestinian residents of Jerusalem. United Nations officials in the area repeatedly expressed concern about the need for the Palestinian population as a whole to be given such equipment. On 14 January 1991, the Israeli High Court of Justice ruled as follows:

"The Military Commander must indeed exercise equality in the area. He may not discriminate between residents. When the Military Commander has reached the conclusion that protective kits must be distributed to Jewish residents in the area, protective kits must also be distributed to the area's Arab residents".

The High Court ordered that:

"First, the 173,000 gas masks presently in stock in emergency warehouses must be immediately distributed to adults living in the areas surrounding Jerusalem, as well as in those areas near the Green Line. Second, all efforts possible should be made to secure masks for the children of these adults, and these masks must be distributed immediately upon their being obtained. Third, all residents of the area should receive masks immediately upon their being purchased by the Military Commander. The Military Commander must make every possible effort to secure these masks as soon as possible".

Despite the urgency expressed in the decision of the High Court, the distribution of gas masks from Israel's existing stock proceeded slowly. The IDF spokesman's office told B'Tselem, an Israeli human rights organization, that, as of 2 February 1991, 50,000 masks had been given out. Those that were distributed lacked the atropine and decontamination powder contained in the kits provided to Israeli citizens. Few, if any, masks were made available to Palestinian children. Furthermore, the vast majority of Palestinian detainees - many of whom are housed in tents and therefore more vulnerable in the event of an attack - were not given gas masks. For its part, UNRWA launched an appeal and received, from international donors, 62,000 masks for adults. Its distribution of the masks was slowed by the fact that the Israeli authorities requested that they be delivered on a house-to-house basis during the curfews.

12. During the period under review, the measure that had the widest and most profound effect on the Palestinian civilian population was the imposition of a general curfew, beginning on 16 January 1991 in the Gaza Strip and on 17 January 1991 in the West Bank. With the exception of those living in East Jerusalem, which was exempt from the curfew, the Palestinian residents of the occupied territories were confined to their homes, on a 24-hour basis, for several weeks. Every three to four days, the curfew would be lifted for a few hours in different areas and at different times. During such periods, only women and young children were allowed to circulate, mainly to shop for food. The first general lifting of the curfew came on 11 February 1991, when most residents of the West Bank and those in Rafah and in Gaza Town in the Gaza Strip were permitted to leave their homes for six to eight hours per day. Restrictions were, however, imposed on travel between towns and villages. Furthermore, curfews continued to be imposed in various parts of the occupied territories.

13. The curfews had an impact on all spheres of daily life in the occupied territories. Economic activity came to a halt. Schools were closed. Access to medical facilities was curtailed. For a large number of Palestinians who had been living in precarious financial circumstances prior to the curfew, the absence of daily income meant that heads of households had little or no means with which to purchase basic necessities for their families during the curfew breaks. More than 150,000 Palestinians in the West Bank and Gaza Strip rely on daily paid labour for their income. The majority were unable to work for a minimum of four weeks in January and February 1991. Especially hard hit were the approximately 110,000 labourers who depend on working in Israel, a fraction of whom were permitted to return to jobs there after the curfews began to be lifted. According to Israeli defence sources, 15,800 Palestinian workers from the West Bank and Gaza Strip crossed into Israel on 20 February 1991. In this connection, it should be noted that the practice of prohibiting Palestinians with "green" identity cards (issued to them by the Israeli authorities for security reasons) from working in Israel was maintained after the curfew was lifted. At the same time, very few Palestinian factories and businesses in the West Bank and Gaza Strip received permits to operate during the curfew. Those that did could not be assured that their labourers would be able to come to work. The output of these

companies was thus negatively affected. Furthermore, exports could not be shipped and demands for Palestinian products in local markets declined.

14. The curfews also had an adverse impact on agriculture in the occupied territories. Crops could neither be planted, harvested nor irrigated. While some citrus farmers were given curfew permits allowing fruit to be picked, many of their labourers remained under curfew and could not travel to work. Citrus and vegetable merchants were unable to export their produce to Jordan or to European markets. Even within the occupied territories, restrictions on movement impeded the marketing of fresh produce, some of which subsequently rotted. For their part, livestock farmers had difficulty in tending their herds and/or putting them to pasture; factories supplying animal fodder were closed. Also affected by the curfews were fishermen, who were prevented from going to sea.

15. In an effort to alleviate some of the hardship faced by Palestinians in the West Bank and Gaza Strip as a result of the curfews, UNRWA undertook large-scale food distributions. The Agency launched a general distribution of flour and skim milk powder to 135,000 refugee and non-refugee families in the Gaza Strip on 29 January 1991. Despite the limited and sometimes erratic breaks in the curfew, the distributions proceeded relatively smoothly, even when labourers had to be hired on the spot because the regular UNRWA distribution workers had not been issued with curfew passes. A similar distribution began in the West Bank on 20 February 1991, although in the latter instance the Israeli authorities expressed reservations about the distribution of food to non-refugees and therefore stationed officials of the Civil Administration at the distribution centres to monitor the activities. Over all, some 295,000 families in the West Bank and Gaza Strip have received or are receiving food.

16. The availability of medical services to Palestinians during the curfews was impeded by the travel restrictions imposed both on patients and on medical staff seeking access to the hospitals and clinics. Of particular significance was the ban on travel from the West Bank and Gaza to East Jerusalem, where Al-Maqassed hospital, the largest hospital serving Palestinians in the occupied territories, is located. Shortly after the general curfew was imposed on 17 January, a new regulation was issued by the Civil Administration requiring patients in the West Bank and Gaza who sought to be transferred to hospital in Jerusalem to obtain a special permit. Permits must also be issued for ambulances transporting them. This bureaucratic procedure, in combination with the general difficulty of circulating during the curfews, inhibited many Palestinians from attempting to get to the hospital. Authorities at Al-Maqassed reported, for example, that the number of births dropped to less than one third of the usual monthly total of 500 and that, in general, the number of admissions to the hospital declined substantially. Preventive health care, such as vaccination programmes, was also affected by the inability of Palestinians to travel during the curfews. For their part, UNRWA's medical facilities remained open during this period, although there was some interference by the authorities with the movement of health buses and staff. The lack of access by Palestinians to government and private medical facilities put an increased burden on agency clinics. Agency health workers

made home visits in an attempt to keep vaccination programmes on schedule. From 20 December 1990 to 28 February 1991, there were 16 incursions by IDF personnel into UNRWA clinics in the West Bank and 37 interferences with agency health centres in the Gaza Strip.

17. Education in the occupied territories, which has been severely disrupted at all levels since the beginning of the intifadah, was again put on hold as a result of the curfew. Schools had been ordered shut by the Civil Administration for a mid-year break from 31 December 1990 to 12 January 1991. They reopened on 13 January 1991 only to close again two days later. On 19 February 1991 some primary schools (principally grades 1 to 3) were allowed to begin classes in a number of Gaza villages, as well as in villages and towns in the West Bank. No schools were permitted to reopen in the Gaza refugee camps, however, and 28 of UNRWA's West Bank schools remained closed.

18. With respect to Palestinian casualties during the period covered by the present report, the greatest number arising from a single incident were those that occurred during the clashes in Gaza on 29 December 1990 as reported in paragraph 8 above. With the imposition of the general curfew in mid-January 1991, casualties declined in the occupied territories. Whereas the number of fatalities in Gaza rose slightly, from 7 in December 1990 to 8 in January 1991, the overall casualties there dropped from a total of 1,677 in December to 894 in January. From 20 December 1990 to 28 February 1991 there were, according to UNRWA, 19 fatalities in the West Bank (15 by live ammunition) and 13 fatalities in Gaza (12 by live ammunition). UNRWA's records show that during that same period, non-fatal injuries caused by live ammunition, beatings, rubber-bullet wounds, tear-gas and other causes amounted to 371 in the West Bank and 2,479 in Gaza. It should be noted, however, that UNRWA's ability to compile statistics for the Gaza Strip is enhanced by the fact that its medical facilities cover more than 50 per cent of the population. The availability of alternative medical facilities, especially in the West Bank, means that not all casualties are reported to UNRWA. According to UNRWA's records, during the same period, seven Palestinians in the West Bank and eight Palestinians in Gaza were killed for allegedly collaborating with Israeli authorities.

19. Regarding arrests and detentions, IDF reported to the press in December 1990 that 9,944 Palestinians were being held in Israeli prisons and detention camps. This figure was broken down into the following categories: 4,470 convicted and serving sentences; 1,275 suspected offenders; 3,450 undergoing interrogation and 799 under administrative detention. However, in its country reports on human rights practices for 1990, the United States State Department records 1,263 Palestinians held under administrative detention at the end of December 1990. The practice of detaining Palestinians without charge continued in January and February 1991, although a precise figure is not available. Those held under administrative detention include a number of prominent Palestinian personalities. Following the imposition of the general curfew, some 2,300 Palestinians were arrested for curfew violations. According to an IDF spokesman, as quoted by B'Tselem, 1,714 were arrested in the West Bank for breaking the curfew. The head of the Gaza Bar

Association indicated to UNRWA that 600 Palestinians were arrested for violating the curfew in Gaza. According to Israeli and Palestinian human rights groups, hundreds of persons arrested for violating the curfew were tried in "quick courts" and without legal representation. The large majority pleaded guilty and were fined between $250 and $500. A substantial number of those arrested were, however, unable to pay the sum and remained in custody. During the reporting period, the Israeli authorities carried out other collective punishments, such as the demolition of homes and uprooting of trees.

Observations

20. In my first report to the Security Council under resolution 681 (1990), I have attempted to provide an overview of the situation affecting Palestinian civilians under Israeli occupation from 20 December 1990 to 28 February 1991. Most of the information contained in the present report has been provided by UNRWA, which is playing a major role in helping me to carry out my obligations under resolution 681 (1990). At the same time, it should be noted that UNRWA, which has a special responsibility towards the refugee population in the occupied territories, is not in a position to monitor every incident that occurs on the ground. This is particularly true in the West Bank which, geographically, is considerably larger than the Gaza Strip and where the percentage of refugees relative to the overall population is smaller than in Gaza. At the same time, given that it is the largest United Nations operation in the territories, with an international staff of some 50 people, UNRWA's continuous interaction with the Palestinians to whom it provides services and general assistance enables it to gain first-hand knowledge of their day-to-day life, including Israeli practices affecting them.

21. The period covered by this report cannot but be viewed against the backdrop of the crisis in the Persian Gulf, which, since its inception in August 1990, has had direct repercussions in the occupied territories. On the economic level, Iraq's invasion of Kuwait proved devastating for the territories. Remittances and transfer payments from the Gulf region plummeted. On the political level, widespread Palestinian support for Iraq led to increased tension between the inhabitants of the occupied territories and the Israeli security forces and, more broadly, cost the Palestinians much good will among the Israeli public. This tension was exacerbated by the 8 October 1990 incidents at the Al-Haram al-Sharif and other Holy Places of Jerusalem in which at least 17 Palestinians were killed and 150 wounded by Israeli security forces and more than 20 Israeli civilians and police were wounded by Palestinians. These tragic events once again highlighted the need for greater safety and protection of the Palestinian civilians living under Israeli occupation. Following the incidents, the Security Council adopted resolutions 672 (1990) and 673 (1990) and, in accordance with the requests contained therein, I submitted to the Security Council on 31 October 1990 a report (S/21919 and Corr.1) which inter alia put forward ideas concerning the safety and protection of Palestinian civilians.

22. The weeks prior to the adoption of resolution 681 (1990) were marked by a spate of violent incidents involving Israelis and Palestinians, in Israel as

well as the occupied territories, with bloodshed and loss of life on both sides. As the atmosphere deteriorated, the Israeli authorities imposed restrictions on travel to Israel and to East Jerusalem by Palestinian residents of the West Bank and Gaza Strip - a policy which affected, in particular, labourers who worked inside Israel. The decision by Israel to resume deportations further aggravated tensions. The particularly violent clashes which occurred in Gaza on 29 December 1990 clearly illustrate how an incident involving a few individuals can quickly escalate into a widespread confrontation in which hundreds of people might be hurt. They also demonstrate the depth of the distrust and anger that prevail between Palestinian residents of the occupied territories and the security forces controlling the area.

23. The curfews imposed on the occupied territories during January and February 1991 led to a decline in such clashes, with an attendant drop in casualties. However, the practice of confining Palestinians throughout the West Bank and Gaza Strip to their homes, for a period of weeks, brought severe hardship to the population as a whole. The Israeli authorities felt compelled to take special security precautions inside Israel and the occupied territories as the likelihood of war in the area increased. At the outset of the hostilities in the Gulf, and particularly after Israel, which was not a party to the conflict between Iraq and Kuwait, was attacked by Iraqi missiles, normal life in Israel, as well as the occupied territories, was disrupted. Yet, as Israeli and Palestinian human rights groups have pointed out, the curfews imposed on the occupied territories were extended well beyond the time when Israeli citizens began to resume their daily routines. Especially hard hit by the curfews were vulnerable groups, such as the poor and the sick.

24. These issues were addressed by my Personal Representative, Mr. Jean-Claude Aimé, when he visited the area from 1 to 11 March 1991. Given that his arrival in the area came shortly after the cessation of hostilities in the Persian Gulf, virtually everyone with whom he met was preoccupied with the aftermath of the crisis and its longer-term implications. There was a general feeling of relief, among Palestinians and Israelis alike, that the war was over. Yet, on the Palestinian side, there was great uneasiness and apprehension about what the future would hold. Of immediate concern to them was the very severe economic situation prevailing in the occupied territories and the fact that tens of thousands of Palestinian labourers continued to be without work. The Palestinians with whom Mr. Aimé met expressed alarm at the renewed policy of deportations and at the number of Palestinians who had been detained without charge by the Israeli authorities. There was great bitterness that primary and secondary education had, once again, been interrupted by the curfews and continued to be denied altogether at the university level. Resentment was also expressed by Palestinians that, despite the stated position of the Israeli authorities that security measures were necessary in the light of the Gulf war, tax raids were none the less conducted during the general curfew.

25. In his meetings with Israeli officials, Mr. Aimé emphasized these Palestinian concerns. For their part, the officials felt that the curfew

policy had been warranted on security grounds given that the population as a whole had sided with Iraq. As evidence of this, they pointed to the fact that Palestinians had publicly rejoiced in response to the Iraqi missile attacks on Israeli population centres. At the same time, they acknowledged that the economic situation in the occupied territories was deteriorating. They stated that some of the Palestinian labourers who had previously worked in Israel would gradually be reabsorbed into the Israeli labour market. An alternative source of employment would, however, have to be found for those workers who would not be given jobs. In the light of this, I have asked the United Nations Development Programme (UNDP) to look into the possibility of sending an economic mission to the occupied territories, the principal objective of which will be to develop income-generating projects.

26. On a regional level, the events that occurred during the period covered by the present report were extraordinary; the crisis in the Persian Gulf affected the policies of all Governments in the area. In this connection, Israel clearly had a right to take what it considered to be appropriate measures to defend itself in the face of the threat articulated against it. Yet, under the Fourth Geneva Convention, Israel also has the obligation at all times to protect the Palestinian civilian population under its control. In the context of the recent crisis, it was felt, for example, that the civil defence precautions undertaken by the Israeli authorities on behalf of Palestinian civilians were inadequate. At the same time, the extended curfew imposed undue hardship on the Palestinian population. More generally, the continuation of practices such as deportations, administrative detentions and collective punishments such as closure of schools and demolition of homes, all of which are violations of the Fourth Geneva Convention, are cause for concern.

27. In this connection, I should like to recall some views conveyed in my report of 31 October 1990 to the Security Council:

> "The issue before us today is what practical steps can, in fact, be taken by the international community to ensure the safety and protection of the Palestinian civilians living under Israeli occupation. Clearly, the numerous appeals - whether by the Security Council, by myself as Secretary-General, by individual Member States or by ICRC, which is the guardian of the Geneva Conventions - to the Israeli authorities to abide by their obligations under the Fourth Geneva Convention have been ineffective. It is evident that for any measure of protection to be ensured, the cooperation of the Israeli authorities is, under the present circumstances, absolutely essential. Nevertheless, given the special responsibility of the high contracting parties for ensuring respect for the Convention, the Security Council might wish to call for a meeting of the high contracting parties to discuss possible measures that might be taken by them under the Convention" (S/21919, para. 24).

28. In putting forward the idea of such a meeting I sought to highlight the role of the parties responsible, under the Fourth Geneva Convention, for ensuring the safety and protection of Palestinian civilians in the occupied territories. In the absence of a decision by Israel to apply in full the

provisions of the Fourth Geneva Convention, the high contracting parties to the Convention have an obligation under its article 1 to ensure that it is respected. The idea regarding a meeting of these parties is, in my view, strengthened by the fact that the Security Council has itself repeatedly drawn attention to their responsibilities, most recently in paragraph 5 of resolution 681 (1990), which called on the high contracting parties to the Fourth Geneva Convention to ensure respect by Israel for its obligations under the Convention. This idea is not, as some have suggested, intended to politicize the issues at stake. Rather, I believe that an exchange of views between the high contracting parties - with a focus on measures outlined in the Convention, such as the appointment of a protecting Power (art. 9), conciliation (art. 12) and the enquiry procedure (art. 149) - could have the beneficial effect of enhancing the safety and protection of the Palestinian civilians under Israeli occupation. It should, in this connection, be noted that each of these measures requires the consent of the occupying Power.

29. In my next report to the Security Council I will, as indicated in paragraph 6 above, address in greater detail the idea of a meeting of the high contracting parties. In the meantime, I will continue to pursue the mandate entrusted to me under paragraph 7 of resolution 681 (1990). In saying this, I recognize that there is less than full support for the resolution, even though it was adopted unanimously. In his statement to the Security Council at the time of the adoption of resolution 681 (1990), the Permanent Representative of Israel expressed his Government's opposition to it, describing it as unfairly singling out Israel and noting that the mandates of the United Nations personnel in the area had previously been agreed with the Israeli authorities. In Israel's view, he said, "it would be both highly inappropriate and impractical that a resolution of the Security Council should alter such an agreed upon basis". At the same time, the Alternate Permanent Observer of Palestine, in his statement to the Security Council, expressed the view that resolution 681 (1990) represented less than what had been sought and did not reflect the position which the Security Council should have adopted "in view of the current situation in the Palestinian territories occupied since 1967, including Arab Al-Quds, and in view of the volatile situation in the Middle East in general".

30. However, I, as Secretary-General, view resolution 681 (1990) as a positive step aimed at providing increased safety and protection for the Palestinian civilians under occupation. If this objective can be achieved, I feel that the atmosphere of distrust and fear that now prevails between Palestinians and Israelis, and which has the effect of undermining prospects for dialogue between them, would be dissipated and would facilitate the search for a peaceful settlement of a conflict that has brought untold suffering to both peoples.

Notes

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Agenda item 43
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-sixth year

Letter dated 9 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 8 April 1991 addressed to you by His Excellency Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Mustafa AKŞIN
Ambassador
Permanent Representative

ANNEX

Letter dated 8 April 1991 from Mr. Osman Ertuğ to the Secretary-General

I have the honour to enclose herewith notes containing excerpts from the book entitled Cyprus: My Deposition (vol. III) by Mr. Glafkos Clerides (see appendix), the prominent Greek Cypriot politician and leader of the Greek Cypriot political party DISI, highlighting the root causes of the Cyprus question.

Mr. Clerides's first-hand account of the course of events as someone who has been involved in the Greek Cypriot campaign to unite Cyprus with Greece from the beginning is a belated yet revealing testimony to many fundamental points that the Turkish Cypriot side has tried to get across all along: that the ultimate aim of the Greek Cypriot side in deliberately destroying the constitutional partnership State and in trying to suppress the Turkish Cypriots by force of arms during this period was to annex the island to Greece (Enosis) and to relegate the Turkish Cypriots to a mere minority in a "Greek Cyprus".

The book also underscores the uncompromising attitude of the Greek Cypriot side throughout the early negotiating phase between 1968-1974 and Archbishop Makarios's rejection of any agreement that would close the door to Enosis. It is significant to note that the same attitude still prevails today, blocking all efforts to reach a negotiated settlement based on the equal political status and participation of the two peoples within a bi-zonal federal settlement in accordance with Security Council resolution 649 (1990).

I should be grateful if the present letter and its appendix were circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Osman ERTUĞ
Representative of the
Turkish Republic of Northern Cyprus

APPENDIX

Notes on the Cyprus issue, with extracts from the book entitled Cyprus: My Deposition (vol. III), by Glafkos Clerides

Partnership status - political equality

Greece had reached a broad agreement with Turkey on the solution of the Cyprus problem based on an independent, bi-communal, unitary state, in which the two communities would enjoy a partnership status (as in the 1960 constitution) and Enosis and partition would be barred by constitution and treaty provisions. Makarios, who opposed such a solution, was an obstacle ...

"The first force was the military Government of Greece, which had reached a broad agreement with Turkey on the solution of the Cyprus problem, based on an independent bicommunal unitary state, in which the two communities would enjoy a partnership status, and Enosis and Partition would be barred by constitutional and treaty provisions. Makarios, who opposed such a solution, was an obstacle and had to be removed from the office of President of the Republic. The other force was Grivas, his supporters and certain Greek colonels, who, though they supported the military Government of Greece, disagreed with its policy regarding the Cyprus problem and supported the policy declared by Grivas, i.e., self-determination, Enosis, which was not considered by Makarios a feasible solution." (p. 271)

"(b) The Greek Cypriots by the term unitary state meant control by the Greek Cypriot majority of all the organs of the state in which all political decisions were taken for the Government of the island. In other words, the Greek Cypriot objective was to establish and secure the political and economic control of the island for the Greek Cypriot majority.

"(c) The Turkish objective was to maintain the Turkish Cypriot community as a separate entity with separate rights in the independent state of Cyprus." (p. 276)

"Furthermore, had a federal solution been accepted, Cyprus would not be a Greek Cypriot island with a Turkish minority enjoying minority rights, but a federal state consisting of two cantons, one Greek Cypriot and the other Turkish Cypriot, which would have equal rights within the federal structure regarding the powers and functions of their respective separate administrations." (p. 296)

"Statement by Mr. Rauf R. Denktash at the Inaugural Session of the broadened Intercommunal Talks on 8 June 1972

"The area in which Cyprus is located is highly sensitive; the inseparable ties of the two communities with their respective motherlands are too strong to be denied; the fact that whatever happens between the two communities is inevitably reflected in Ankara and Athens cannot be disregarded. We, therefore, as the two national communities in Cyprus; the co-founders of the independence and sovereignty of Cyprus; the partners in the administrative set up of the Cyprus State have a duty not only to our respective communities and to Cyprus as a whole, but also an international duty of maintaining the peace in this delicate area in the knowledge that, by so doing, we help our respective motherlands to normalize their political relations. Cyprus should be (and can be) made a bridge of Greco-Turkish friendship and co-operation. Our role to this end can be most significant.

"We want peace and justice in the light of established rights and political status.

"We need full security of life and property.

"We want our independence (of which we are the co-founders) to be satisfactorily guaranteed against those who may wish to destroy it in the future." (p. 188)

"Report on the meeting between the President of the House of Representatives, Mr. Glafkos Clerides and the Ambassador of West Germany, Mr. Török

"Answering my question of what was the nature of the solution of the Cyprus problem that Greece and Turkey had agreed on, Mr. Török said he had no further information apart from that he had given me in the past and that he continues to believe that the Greco-Turkish Agreement is based on the principle of recognizing a guaranteed independence, as provided by the Zurich Agreements, partnership of the two communities and recognition of separate local government administration." (pp. 141 and 142)

"The Presidency of the Turkish Communal Chamber, Nicosia, 9 August 1971, No: 104171

"... For us, the retention of this balance which gave the Cyprus State its Cypriot character by providing for the co-operation in partnership of the two ethnic communities is, and has always been, very important, because without this balance the Cyprus State becomes, not a Cypriot State as it should be, but a Greek Cypriot State with the door wide open to Enosis (union of Cyprus with Greece)

"... In addition, we feel that if we do not establish such a system of inter-communal balance the outcome of our concessions will be the establishment of a Greek Cypriot Republic and not a Cypriot Republic of inter-communal partnership, which was the sole objective of our talks." (pp. 108 and 109)

"Just as the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state, with a protected Turkish Cypriot minority, the Turkish preoccupation was to defeat any such effort and to maintain the partnership concept which, in their opinion, the Zurich Agreement created between the two communities. The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.

"The same principle is still in conflict, even today, though a federal solution has been accepted - and though a federation is nothing more than a constitutional partnership of the component states, provinces or cantons which make up the federation." (p. 105)

"Generally speaking all the advice given in the Greek Note was sound. It did not derogate from the concept of a unitary state, it did not contain any notions of concealed federalism, and my evaluation was that it would have led to a solution of the constitutional issue, but of course it would not have reduced the Turkish community to the status of a minority. It would, however, have produced the amendments of all those provisions which Makarios declared in 1963 as unworkable and for which he had proposed amendments. 'Mother's' good advice, however, was not followed. The inexperienced Greek Cypriot leadership not only rejected, without much difficulty, the more mature advice of the 'mother', but also accused her of having conspired with Turkey, behind the 'daughter's' back, to sell her down the river." (p. 76)

"Instead of that the Turkish side appears to return to the principle of the bicommunal character of the Cyprus state, as it was founded by the Zurich Agreements, but accepts deep amendments in order to make the constitution workable, in exchange for satisfactory entrenchment of communal rights. These communal rights consist basically in the powers of Article 87 of the Zurich Constitution and in securing autonomy in local administration, which would permit the survival and development of the Turkish community. The Turkish demands, examined in their totality, are a long way from the powers and functions of a federal state.

"Thus, in as much as Turkish policy today supports the solution of a bicommunal state at the talks, it approaches Greek policy of a unitary state with bicommunal participation. The remaining differences are not in the ration of the participation of each community in the functions of the state, which is accepted to be the ration of the population, but in the appearance of the state. The tendency of Turkish policy is to move away as little as possible from the status of 'partnership' established by the Zurich Agreements, and to insist on the presentation of the

Turkish community as equal partners with the Greek, by preserving certain provisions of the Zurich Constitution, not of substance, but of symbolic character." (p. 239)

"The aim of the Greek Cypriot Constitutional policy in the talks was a moderate modification of the Plaza plan, which provided limited participation of the Turks in the organs of the independent state of Cyprus, always on a minority basis. This policy also did not succeed, because the Turkish side, though more flexible, remained unretreating on the issue of accepting a minority status for the Turkish Cypriots." (p. 237)

"(a) Creation and development of the constitutional problem.

"The constitutional crisis of the year 1963 disrupted the constitutional order, the continuity, and the partnership status of the two communities, which was created by the Zurich Agreements.

"Because of the disruption of constitutional order, a peculiar situation was created, by virtue of which the state authority, on the one hand, became under the absolute control of the Greeks, and though the Government was recognized internationally, yet internally Turkish enclaves were created within the territory of the Republic in which at first, an elementary organization for the purpose of governing the Turkish Cypriots was established, the main characteristic of which was the confusion of military and political powers and functions, and the prevailing of military power.

"After the crisis of 1967 (Kophinou Crisis), the above disruption of constitutional order became more clear and showed tendencies of permanency. Thus in December 1967, the elementary military-political organization of the Turks in the enclaves developed into a 'Temporary Administration' on the basis of a character, and at the same time the political and military authorities were separated.

"In the years that followed, a steady, stage by stage development is noted in the Turkish Administration, with the separation in its legislative, executive and judicial powers. An administrative organization is created, as well as police force and an army. The increase of the financial resources of the Turkish Cypriots through economic aid from Turkey permitted the functioning of their administration on a more permanent basis, a fact which they made clear, by remaining their 'Temporary Turkish Cypriot Administration' to 'Turkish Cypriot Administration'. Thus there exist today in Cyprus two poles of power on a separate geographical basis, i.e. the Government of the Cyprus Republic, controlling the largest section of the territory of the state and internationally recognized, and the Turkish Cypriot Administration, which controls a very limited area and is not internationally recognized, but has already taken almost all the characteristics of a small state.

"From the above the conclusion can be drawn that our top priority and target must be the dissolution of the Turkish enclaves for the sake of securing the unity of the island." (pp. 236-237)

"The Turks, forced by the crisis events, followed a policy of self-segregation and a proportion of them withdrew to several enclaves scattered within the territory of the Republic, where they set up their own organization outside the provisions of the constitution. The Greeks, on their part, ignoring the constitutional limitations, took over the entire machinery of the state, the function of which, in view of the societal needs, had to continue.

"This crisis lingered on at the stage of a protracted confrontation with sporadic incidents of violence varying in magnitude and significance. Communication between the two communities was reduced to a minimum, and this, combined with crisis language, rekindled mutual fears and suspicions." (p. 220)

Why no solution

"It is a fact of history, which cannot be denied, that the uncompromising attitude of Makarios on the issue of local government prevented a solution of the Cyprus problem in December 1972.

"The uncompromising attitude of Makarios persisted despite the fact that the Turkish Cypriot side had accepted all the 13 points proposed by him for constitutional amendments in 1963, and even went beyond them. Makarios would not yield further on the issue of local government despite the fact that the Turkish Cypriot side had (a) abandoned its demand for the grouping of villages in order to form separate Greek Cypriot and Turkish Cypriot areas of local government; (b) accepted that the House of Representatives would enact legislation on local government matters, and the Communal Chambers would only enact regulations on the basis and within the limits of laws enacted by the House of Representatives; (c) accepted that administrative control would be exercised on behalf of the Government by a civil servant and a final agreement had been reached on the powers and functions to be exercised by the local government authorities.

"Makarios's fatal decision to refuse to authorize me to proceed to reach agreement on the above lines, a decision he took against the advice of the Greek Government, that of the Representative of the Secretary-General, Mr. Osorio Tafall, and my own advice, resulted in the increase of tension between himself and the Greek Government. At the same time, it strengthened the view in the United States Government and in certain Western Governments, which was carefully and systematically cultivated by Turkey, that Makarios was not interested in reaching an agreed solution to the Cyprus problem, but was aiming at neutralizing the

resistance of the Turkish community through economic pressure, in order to impose on it the solution he had in mind." (pp. 204-206)

"The decision of Makarios of 12 December 1972 not to compromise, after the concessions the Turkish side had made, sealed his fate and that of Cyprus. The die was cast and the worst followed." (p. 206)

"(c) Agreed amendments to make the constitution more workable were possible. The Turkish side would accept to give up some of the constitutional rights it derived from the Zurich Agreements in return for the Greek side accepting separate autonomy of the communities in local government. The adjustment of communal rights must preserve the partnership principle of the two communities and the unitary character of the Republic.

"Makarios, however, was an obstacle in proceeding to achieve a solution on the above lines. Despite pressure for the Greek Government, which included threats to take 'harsh' measures against him, he continued to oppose autonomy in local government. Further, he insisted that those rights which created the partnership principle of the two communities should be abolished." (p. 126)

Makarios on Enosis

In his letter dated 4 May 1972 Makarios wrote to Grivas:

"We defend ourselves and refuse to accept a solution which will fetter our national future. Enosis is a purpose of life and a compass for national orientation. Enosis, however, is not achievable if in the first instance, the danger of an undesirable solution is not made distant or removed. I would not hesitate to change the policy according to your proposal if the Greek Government agreed. It is possible that it will be said that there were instances of disagreement with the Greek Government regarding the policy to be followed and the handling of the Cyprus problem. A disagreement with the Greek Government is possible on any other proposed policy, except Enosis. A struggle for Enosis without the participation of Greece would possibly lead to unpleasant results. On the policy of direct Enosis we must walk side by side with Greece." (p. 148)

"(6) The Greek Cypriots are part of the Greek nation. This must not be forgotten as it must not be forgotten that the national centre is and remains Athens." (p. 128)

"I returned to Cyprus and reported to Makarios on my talks in Athens. I asked Makarios if, after the assurances given by Papadopoulos, he would agree for Article 185 of the 1960 Constitution, which prohibited both Enosis and Partition, to be incorporated in the new Constitution. He raised his arms, which were resting on his desk and said: 'You see,

Glafkos, these hands, they can cut them off, but I will not sign again any Constitution excluding Enosis.'" (p. 270)

Article 185 of the 1960 Constitution reads:

1. The territory of the Republic is one and indivisible.

2. The integral or partial union of Cyprus with any other State or the separatist independence is excluded.

But Makarios "would not consent to have Article 185 incorporated into the new Constitution, without a prior agreement between Greece and Turkey refusing to accept either Enosis or partition". (p. 270)

Extracts from the answers Archbishop Makarios gave to questions put to him by the correspondent of the Athens newspaper Acropolis:

"I cannot say that I am nationally satisfied with the development and course of the Cyprus question so far. I would be nationally satisfied, and so would all Greeks, only if the Cyprus problem were solved through union of Cyprus with Greece. However, I do not think that the prospects of the immediate future are leading to this direction ... I would not disagree with Grivas, if, firmly adhering to Enosis, he rejected any other solution of the Cyprus question. I am not in disagreement with the national target he is aiming at. I disagree with the manner and methods he is using which, I believe, place the target at a greater distance ..."

Asked whether he would be prepared to renounce Enosis for good and hold a referendum with the object of excluding Enosis, Archbishop Makarios stated:

"Enosis, regardless of whether it can be realized or not, will always be the national aspiration of the Greek Cypriots and a spiritual creed which cannot be renounced either through a referendum or in any other way." (p. 266)

No law and order - no effective Government - no State

"In fairness it must be stated that the internal political conflict had developed to such a bitter extent that persons opposing Makarios, as well as their sons and daughters, even though not actively engaged in illegal activities against the Government, were excluded from the Civil Service, the Educational Service, the semi-Government organisations and the Police. If they did hold posts in any of these services their promotion and transfers suffered. In fact they were discriminated against for their political views. The only outlet for persons opposing Makarios or for their sons was to secure an officer's commission in the National Guard." (p. 316)

"Equally the rifles with which the National Guard was equipped were bolt-action, of the World War I era, the anti-aircraft weapons were totally obsolete and the same applied to the anti-tank weapons. The refusal of the Government to equip the National Guard properly was based on the evaluation that the Government faced a more imminent danger from the National Guard than from the Turks, particularly since the intercommunal talks were continuing, progress was being made towards a solution, and Turkey was not likely to attempt an invasion during the continuation of the talks." (p. 319)

"He was sworn in as President at 3 p.m. on 15 July, but of course not in accordance with the constitutional provision, which provided that the elected president appears, within a fixed time of his election, before the House of Representatives and gives the affirmation of adherence to the Constitution and the laws of the state. Constitutionally, Mr. Sampson does not exist as a president of the Republic of Cyprus. He was neither elected, nor did he take office as provided by the Constitution, which stipulates that the term of office of President runs from the time he makes the prescribed affirmation before the House." (p. 341)

"Masked armed men appeared threatening supporters of Makarios and others threatening those who supported Grivas. The police was both unwilling and unable to maintain law and order as understood and practised in civilized democratic societies." (p. 274)

"The edition of 6 February 1973 of the Turkish Cypriot 'Special News Bulletin', which was published in English, contained an interview Rauf Denktash had given to '<u>Bozkurt</u>' (a Turkish daily) the previous week:

> "... This is perhaps the most interesting part in Mr. Vassiliades' statement ... He agrees that Makarios, too, has the same formula and view. This is important because it reveals once again the leading actor and the theme of the tragedy which has been enacted since 1960.
>
> "Q: Mr. Vassiliades says that there is no State, that it has broken up.
>
> "A: It is correct that the State has broken up as a result of the 1963 onslaught. Instead of the constitutional State composed of Turkish and Greek wings, now there are the de facto Turkish and Greek Cypriot administrations.
>
> "The Enosis formula of Mr. Vassiliades, is the formula applied by Makarios in 1968, and this is the outcome. But they are still of the same mind.

"Q: According to Mr. Vassiliades, Cyprus is once again passing through a period which prevailed prior to 16 August 1960. Do you share this view?

"A: Yes, but there are a few differences. The Turkish community sitting at the negotiating table today has a status entrenched in international agreements, and a nine year old glorious struggle of resistance. In 1960, Turkey's rights and prerogatives over Cyprus were unknown, today these are known. In 1960 what Turkey could do to protect our rights, lives and honour was an unknown factor interpreted in favour of the Greeks. Today their real value is clear. In the 1960 period, there was a world which believed that the rights and powers demanded by us were excessive; now, there is a world which has seen and realized what has befallen us even with these rights and powers. In 1960 there was a conviction that the Greeks did not want enosis; whereas now there is no one who is not conversant with the acrobatics of the Greek Cypriots' 'Enosis-Independence' policy." (pp. 257 and 258)

"Unfortunately, it is one of the failings of the Greek race that when there is violent internal conflict and strife, immense hatred is generated and directed by the warring sides against each other, of such an extent that all outside dangers threatening the nation are forgotten, ignored or lost sight of. Anger and hatred cloud or totally prevent all logical thinking.

"Makarios proceeded with his accusations against the Greek government regarding the Greek intervention in Cyprus, its effect on constitutional order, on the independence of Cyprus, and on the safety of the Turkish community." (p. 350)

"No" to federalism: why?

"Finally the idea of a separate Turkish Cypriot administration created the picture in the mind of the Greek Cypriots, that not only the Government of Cyprus, i.e. Makarios, had failed to reduce the excessive rights granted by the Zurich and London Agreements to the Turkish minority, but that they were forced to increase them. Furthermore, had a federal solution been accepted, Cyprus would not be a Greek Cypriot island with a Turkish minority enjoying minority rights, but a federal state consisting of two cantons, one Greek Cypriot and the other Turkish Cypriot, which would have equal rights within the federal structure regarding the powers and functions of their respective administrations." (p. 296)

"Mr. Kyprianou stated: 'I wish again to call on the Greek Cypriot people to be calmly on alert in order to prevent a nationally unacceptable solution. By this I mean either concealed or unconcealed

federation, or condominium, double Enosis, or partition or a return to the Zurich Agreements' ..." (p. 367)

Turks "yes" to federalism

"The visit of Mr. Denktash after the formation of the new government has been very useful for us. We had the opportunity to get information from him on every aspect of the Cyprus problem. The Turkish government will exert every effort to secure a peaceful and lasting solution to the problem within the framework of an independent and federal state. On this issue there is no reason for people of goodwill to have any suspicion about our intentions." (p. 295)

Turkish position - Greek position

"(b) The Greek Cypriots by the term unitary state meant control by the Greek Cypriot majority of all the organs of the state in which all political decisions were taken for the Government of the island. In other words, the Greek Cypriot objective was to establish and secure the political and economic control of the island for the Greek Cypriot majority.

"(c) The Turkish objective was to maintain the Turkish Cypriot Community as a separate entity with separate rights in the independent state of Cyprus." (p. 276)

"The Turkish side had made clear its position from the start, both direct to Athens and at the talks, that a solution could only be arrived at, if at the end, Enosis and Partition were barred by constitutional and treaty provisions." (p. 264)

"(c) Turkey would insist, once a solution was found, on the reaffirmation, both by constitutional provisions and by treaty articles, on the exclusion of Enosis and Partition." (p. 248)

"Any objective analyst would have to admit that the Greek side gave the Turkish side all the excuses it needed in order to demand iron-cast guarantees against Enosis. He would also have to admit that Turkey exhibited every willingness to accept the same guarantees against Partition. Since, however, the official policy of the Governments of Greece and Cyprus was that both accepted an independent Cyprus and wished to make its Constitution more workable, the refusal by the Governments of Greece and Cyprus to reaffirm the provisions of the Zurich-London Agreements regarding Enosis and Partition, and the intra-Greek Cypriot violent conflict regarding the demand for immediate enosis, placed the Turkish side in an advantageous position both at the negotiating table, and outside, particularly with regard to international credibility." (p. 214)

"The Turkish Foreign Minister, Mr. Gunesh, made a statement after Grivas' death regarding the policy of his Government on the Cyprus problem. The two main points of that statement were that the question of barring Enosis had not been satisfactorily resolved, because even after the death of Grivas, the cause of Enosis had not been abandoned, clearly implying that more effective external and internal guarantees were needed and that internal autonomy should reach the level of federation." (p. 367)

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LETTER DATED 10 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF SIERRA LEONE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, and further to the letter of His Excellency the President of the Republic of Sierra Leone addressed to you on 9 April 1991, I have the honour to transmit the attached report detailing a series of invasions launched against Sierra Leone by bandits of the National Patriotic Front of Liberia (NPFL).

I request you to have this letter and its annex circulated as a document of the Security Council.

(Signed) Tom Obaleh KARGBO
Ambassador
Permanent Representative

Annex

Report on the invasion of Sierra Leone by National Patriotic Front of Liberia (NPFL) bandits led by Charles Taylor

At 0800 hours on Saturday, 23 March 1991, a contingent of armed bandits of the National Patriotic Front of Liberia (NPFL) led by Charles Taylor, attacked the border towns of Bomaru and Senga in the eastern province of Sierra Leone, killing two Senior Military Officers and 11 civilians. Republic of Sierra Leone Military Forces (RSLMF) were dispatched to the area and, after an intense engagement, the NPFL invaders were repelled. This incident was only the first of several invasions to be launched over a period of time by the NPFL.

In the morning of Wednesday, 27 March, NPFL troops numbering several hundreds and using heavy machine-guns and rocket launchers, mounted repeated attacks on Thursday, Friday and Saturday, onto Sunday, 31 March, culminating in the deaths of scores of civilians, including women and children.

In the case of the invasion of Koindu, a populous and prosperous commercial centre in the eastern province of Sierra Leone, the invading army seized the Police Station and the regional branch of the National Commercial Bank. Throughout the affected area, looting and damage to property, including crops and food stocks, as well as infrastructure, have been extensive, causing the displacement of large numbers of Sierra Leone citizens.

Since 1 April, Republic of Sierra Leone Military Forces have retaken large areas previously held by the invading army, including Koindu, capturing three Senior NPFL Commanders who are now being interrogated.

It has been established, through Government intelligence and accounts of captured rebel soldiers, that the NPFL invading force comprises a large proportion of mercenaries supplied and/or financed by, regrettably, some African countries. The foregoing incidents demonstrate a carefully planned strategy by Charles Taylor and his backers to destabilize Sierra Leone in a bid to undermine the ECOWAS peace process in Liberia.

While striving to restore normalcy to the affected areas, the Government of Sierra Leone wishes to assure the international community that it is determined to resist any attempts to intimidate it into abandoning its neutral role in the Liberian conflict. Similarly, Government will not be provoked into curtailing its generous goodwill to the distressed and innocent Liberian citizens, especially the women and children, who have sought refuge in Sierra Leone.

Because of the seriousness and persistence of these attacks, Government reserves the right to use all necessary means, including assistance from friendly countries, to protect the lives of its people and defend the territorial integrity of Sierra Leone.